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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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RAMIRO CANALES,

Plaintiff,

*versus*

VIVIAN L. DAVIS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:16-CV-140

**MEMORANDUM ORDER ADOPTING THE  
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff, Ramiro Canales, an inmate confined at the Mark Stiles Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against several defendants.

The court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends defendant Questenberry’s Motion to Dismiss be granted in part and denied in part. Specifically, the Magistrate Judge recommends the Motion to Dismiss as to plaintiff’s official capacity claims for monetary damages be granted but denied as to plaintiff’s individual capacity claims for failure to protect.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed to date.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**.

SIGNED at Beaumont, Texas, this 21st day of January, 2020.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a horizontal line underneath it.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE